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PTO/SB/64 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

BIT011

First named inventor: Ricardo H. Bruce

Application No.: 09/819,515

Art Unit: 2161

Filed: March 27, 2001

Examiner: Etienne Pierre Leroux

Title: METHOD AND APPARATUS FOR DATA RECOVERY

Attention: Office of Petitions

**Mail Stop Petition**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (703) 872-9306

NOTE: If information or assistance is needed in completing this form, please contact Petitions  
Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or  
action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration  
date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications  
filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**

☒ Small entity-fee \$ 750 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(m))

**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in  
the form of Response, RCE, RCE Fee (identify type of reply):

- ☐ has been filed previously on \_\_\_\_\_.
- ☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ \_\_\_\_\_.

- ☐ has been paid previously on \_\_\_\_\_.
- ☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the  
USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to  
complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any  
comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer,  
U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED  
FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

01/10/2005 MAHMED1 00000033 09819515

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750.00 OP

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## 3. Terminal disclaimer with disclaimer fee

- ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

<u>Shabneez Kotadia</u> Signature	<u>January 4, 2005</u> Date
<u>Shabneez Kotadia</u> Typed or printed name	<u>53,153</u> Registration Number, if applicable
<u>45550 Northport Loop East</u> Address	<u>(510) 743-3190</u> Telephone Number
<u>Fremont, CA 94538</u> Address	

- Enclosures: ☒ Fee Payment
- ☒ Reply
- ☐ Terminal Disclaimer Form
- ☐ Additional sheets containing statements establishing unintentional delay
- ☐ Other: \_\_\_\_\_

## CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

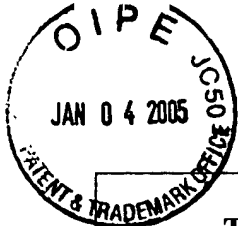
☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as **express** mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (703) 872-9306.

January 4, 2005  
Date

Calvin Chyo  
Signature

Calvin Chyo  
Typed or printed name of person signing certificate

**TRANSMITTAL FORM***(to be used for all correspondence after initial filing)*

Total Number of Pages in This Submission: (including this page): 23	Application Number	09/819,515
	Filing Date	March 27, 2001
	First Named Inventor	Bruce, Ricardo H.
	Art Unit	2161
	Examiner Name	Leroux, Etienne Pierre
	Attorney Docket Number	BiT011

**ENCLOSURES (check all that apply)**

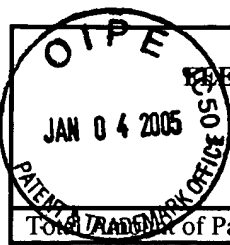
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 1) Postcard 2) Request For Continued Examination (RCE) Transmittal
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)	Remarks:	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

**SIGNATURE OF ATTORNEY, APPLICANT, OR AGENT**


Attorney Name	Shabneez Kotadia, Reg. No. 53,153
Signature	<i>Shabneez Kotadia</i>
Date	January 4 <sup>th</sup> , 2005

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as Express Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. Express Mail Label No.: EL716113738US			
Typed or printed name	Calvin Chyo		
Signature	<i>Calvin Chyo</i>	Date	January 4 <sup>th</sup> , 2005

	Application Number		09/819,515	
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	First Named Inventor		Bruce, Ricardo H.	
	Art Unit		2161	
	Examiner Name		Leroux, Etienne Pierre	
Total Amount of Payment: \$1145.00		Attorney Docket Number		Bit011

METHOD OF PAYMENT (check all that apply)		FEE CALCULATION (continued)																																																																																																	
<input checked="" type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None <input type="checkbox"/> Deposit Account: Deposit Account Number Deposit Account Name The Director is authorized to: (check all that apply) <input type="checkbox"/> Charge fee(s) indicated below <input type="checkbox"/> Credit any overpayments <input type="checkbox"/> Charge any additional fee(s) or any underpayment of fee(s) <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-indicated deposit account.		<b>3. ADDITIONAL FEES</b> <table border="1"> <thead> <tr> <th>Small Entity Fee Code (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>2051 65</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>2052 25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>1053 130</td><td>Non-English specification</td><td></td></tr> <tr><td>1812 2,520</td><td>For filing a request for <i>ex parte</i> reexamination</td><td></td></tr> <tr><td>1804 920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>1805 1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>2251 55</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>2252 215</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>2253 490</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>2254 765</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>2255 1,040</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>2401 170</td><td>Notice of Appeal</td><td></td></tr> <tr><td>2402 170</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>2403 150</td><td>Request for oral hearing</td><td></td></tr> <tr><td>1451 1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>2452 55</td><td>Petition to revive - unavoidable</td><td></td></tr> <tr><td>2453 750</td><td>Petition to revive - unintentional</td><td>750.00</td></tr> <tr><td>2501 685</td><td>Utility issue fee (or reissue)</td><td></td></tr> <tr><td>2502 245</td><td>Design issue fee</td><td></td></tr> <tr><td>2503 330</td><td>Plant issue fee</td><td></td></tr> <tr><td>1460 130</td><td>Petitions to the Commissioner</td><td></td></tr> <tr><td>1807 50</td><td>Processing fee under 37 CFR 1.17(q)</td><td></td></tr> <tr><td>1806 180</td><td>Submission of Information Disclosure Statement</td><td></td></tr> <tr><td>8021 40</td><td>Recording each patent assignment per property (times number of properties)</td><td></td></tr> <tr><td>2809 395</td><td>Filing a submission after final rejection (37 CFR 1.129(a))</td><td></td></tr> <tr><td>2810 395</td><td>For each additional invention to be examined (37 CFR 1.129(b))</td><td></td></tr> <tr><td>2801 395</td><td>Request for Continued Examination (RCE)</td><td>395.00</td></tr> <tr><td>1802 900</td><td>Request for expedited examination of a design application</td><td></td></tr> <tr><td colspan="3">Other fee (specify) _____</td></tr> <tr><td colspan="3">* Reduced by Basic Filing Fee Paid</td></tr> <tr><td colspan="3"><b>SUBTOTAL (3) (\$)</b> 1145.00</td></tr> </tbody> </table>		Small Entity Fee Code (\$)	Fee Description	Fee Paid	2051 65	Surcharge - late filing fee or oath		2052 25	Surcharge - late provisional filing fee or cover sheet		1053 130	Non-English specification		1812 2,520	For filing a request for <i>ex parte</i> reexamination		1804 920*	Requesting publication of SIR prior to Examiner action		1805 1,840*	Requesting publication of SIR after Examiner action		2251 55	Extension for reply within first month		2252 215	Extension for reply within second month		2253 490	Extension for reply within third month		2254 765	Extension for reply within fourth month		2255 1,040	Extension for reply within fifth month		2401 170	Notice of Appeal		2402 170	Filing a brief in support of an appeal		2403 150	Request for oral hearing		1451 1,510	Petition to institute a public use proceeding		2452 55	Petition to revive - unavoidable		2453 750	Petition to revive - unintentional	750.00	2501 685	Utility issue fee (or reissue)		2502 245	Design issue fee		2503 330	Plant issue fee		1460 130	Petitions to the Commissioner		1807 50	Processing fee under 37 CFR 1.17(q)		1806 180	Submission of Information Disclosure Statement		8021 40	Recording each patent assignment per property (times number of properties)		2809 395	Filing a submission after final rejection (37 CFR 1.129(a))		2810 395	For each additional invention to be examined (37 CFR 1.129(b))		2801 395	Request for Continued Examination (RCE)	395.00	1802 900	Request for expedited examination of a design application		Other fee (specify) _____			* Reduced by Basic Filing Fee Paid			<b>SUBTOTAL (3) (\$)</b> 1145.00		
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<b>SUBMITTED BY</b>			
Name (Print/Type)	Shabneez Kotadia	Registration No. (Attorney/Agent)	53,153
Signature			Telephone (510) 743-3190
			Date January 4 <sup>th</sup> , 2005